

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

G & G Closed Circuit Events LLC,

Plaintiff,

vs.

**Ashleigh Bertolini, individually, and GLO
718 Corp. d/b/a PARQ,**

Defendants.

Index No. 21-cv-07351

RULE 56.1 STATEMENT

1. Emmanuel Colon managed the bar PARQ, a defendant in this lawsuit. Declaration of Emmanuel Colon (“Colon Decl.”) ¶1.
2. On May 4, 2019, the Saul Alvarez v. Daniel Jacobs, WBA/WBC/IBF World Middleweight. Championship boxing match (the “Program”) was displayed in the bar PARQ via a Smart TV. Colon Decl. ¶2.
3. The Smart TV has Internet capability that supports direct streaming of movies and other programs. Colon Decl. ¶3.
4. The Smart TV was connected to PARQ’s Internet router. Colon Decl. ¶4.
5. The Program was shown on the Smart TV via the application DAZN, an application that allows user to watch boxing matches. DAZN was accessible from the Smart TV, and that is how the Program was shown in the bar. Colon Decl. ¶5.
6. At no time did the Smart TV use a cable service or a satellite dish to stream the Program. Colon Decl. ¶6.

7. Plaintiff sued Defendants for violating 47 U.S.C. § 605, alleging that: “[O]n Saturday, May 4, 2019 in violation of G & G Closed Circuit Events LLC's rights and federal law, Defendants intercepted and/or received the satellite communication of the Program at PARQ. Defendant also divulged and published said communication, or assisted in divulging and publishing said communication to patrons within PARQ.” Declaration of Rob Rickner, Exhibit 1 (the “Complaint”) at ¶30.
8. Plaintiff also sued Defendants for violating 47 U.S.C. § 533, alleging that: “[O]n Saturday, May 4, 2019 in violation of G & G Closed Circuit Events LLC's rights and federal law, Defendants willfully intercepted and/or received the original communication of the Program at PARQ via a cable system.” Complaint at ¶40.
9. Plaintiff has a license with DAZN that grants it the exclusive rights to market and resell DAZN’s boxing matches to commercial establishments, with DAZN retaining the rights to sell the boxing matches to individuals. Complaint Exhibit A.
10. Pursuant to the license, DAZN has the option of transmitting the boxing matches to Plaintiff either by satellite or fiber optic cable. Complaint Exhibit A at page 4, titled Delivery of Signal.
11. Nothing in the Plaintiff’s Federal Rule of Civil Procedure 26 initial disclosures or other discovery indicates that the Program was ever transmitted via satellite during the Program’s journey from the arena to the Smart TV at PARQ. Plaintiff’s Federal Rule of Civil Procedure 26 initial disclosures do not include a witness that has this information. Indeed, none of the documentation indicates whether DAZN even transmitted the Program to Defendants via satellite (or fiber optic cable) in the first place.

Dated: New York, New York
December 2, 2022

Respectfully submitted,

/s/ Shana Fried

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